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10/714,437	11/14/2003	Amber Gravett	020375-047500US	9372

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EXAMINER
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ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/714,437	GRAVETT ET AL.
	Examiner	Art Unit	
	KELLY CAMPEN	3691	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-24* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *2/7/2008*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The NPL submitted 2/7/2008 includes an extensive IDS which was filed in the related

case 10/987031. If applicant intends to have the references considered, applicant should submit

in a separate IDS listing each reference individually.

Specification

The abstract of the disclosure is objected to because it includes language which may be

implied (see below, emphasis added). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a
separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed
150 words in length since the space provided for the abstract on the computer tape used by the
printer is limited. The form and legal phraseology often used in patent claims, such as "means"
and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist
readers in deciding whether there is a need for consulting the full patent text for details.

**The language should be clear and concise and should not repeat information given
in the title. It should avoid using phrases which can be implied, such as, "The disclosure
concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

The lengthy specification has not been checked to the extent necessary to determine the

presence of all possible minor errors. Applicant's cooperation is requested in correcting any

errors of which applicant may become aware in the specification.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The disclosure is objected to because of the following informalities: paragraph 36 includes several blanks which are now able to be updated.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-24 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claims 1-24 recite "system" which is vague and indefinite since a system may

be one of several different statutory classes of invention. Specifically, it appears that the claims are directed to both method steps and apparatus limitations. Applicant must indicate on the record to what statutory class of invention the system claims belong. For the purposes of this examination these claims are considered apparatus. As such, if the claim is directed to a system, it should not direct to method steps as well.

In addition, it does not appear that the claims meet the structural requirement of 35 USC 112 paragraphs 2 and 6. Simply reciting "software" without providing some detail about the means to accomplish the function is not enough. Without any corresponding structure, one of skill simple cannot perceive the bounds of the invention.

In view of the extensive 35 USC 112 second paragraph rejections, the prior are rejections will be applied as best may be understood by the Examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Neofytides et al. (US 2002/0152168).

Neofytides et al. disclose a payment system for open loop stored benefit products, the payment system comprising: a web-accessible platform available to a payor for purchase of a stored

benefit account for use by a payee, wherein: the web-accessible platform communicates with a

first application interface, the stored benefit account is backed by an account issuer, and the

stored benefit account is accepted by a network of unrelated merchants who accept payments

from the account issuer; a web interface that allows the payor or the payee to interact with the

web-accessible platform; a credit processing system communicating with a second application

interface; and translation system that translates between the first application interface and the

second application interface (see abstract, pages 1-3, figures 5-11).

Specifically as to claim 2, wherein the payor pays for the stored benefit account (see above

rejection for claim 1, in addition, see page 6).

Specifically as to claim 3, wherein the credit processing system includes a main flame running a

main frame language (see above rejection for claim 1, in addition, see figures 5-6).

Specifically as to claim 4, wherein: a card is issued to the payee, and the card facilitates

payments from the stored benefit account (see above rejection for claim 1, in addition, see figure

8).

Specifically as to claim 5, wherein the first application interface uses XML (see above rejection

for claim 1, in addition, see page 6).

Specifically as to claim 6, wherein the stored benefit account corresponds to a benefit table for

use by the network (see above rejection for claim 1, in addition, see figures 5-6).

Specifically as to claim 7, wherein the stored benefit account corresponds to an amount of money

usable with the network (see above rejection for claim 1, in addition, see figure 8).

Specifically as to claim 8, wherein the translation system is integral with one of the credit

processing system and the web-accessible platform(see above rejection for claim 1, in addition,

see page 6).

Specifically as to claim 9, wherein the web interface is hosted remote from the web-accessible platform (see above rejection for claim 1, in addition, see figures 5-6).

Specifically as to claim 10, wherein the web-accessible platform does not store information that would allow a hacker, who compromised information stored on the web-accessible platform, to use the stored benefit account (see above rejection for claim 1, in addition, see figure 8).

Specifically as to claim 11, wherein the account issuer is one of a plurality of account issuers that are part of a branded association that accept each others stored benefit account transactions (see above rejection for claim 1, in addition, see page 6).

Specifically as to claim 12, wherein the open loop stored benefit products are based upon a credit card platform of the credit processing system (see above rejection for claim 1, in addition, see figure 5a).

Specifically as to claim 13, Neofytides et al. disclose a payment system for open loop stored benefit products, the payment system comprising: a web-accessible platform available to a payor for purchase of a stored benefit account for use by a payee, wherein: the web-accessible platform communicates with a first application interface, the stored benefit account is backed by an account issuer, and the stored benefit account is accepted by a network of unrelated merchants who accept payments from the account issuer; a web interface that allows the payor or the payee to interact with the web- accessible platform; a credit processing system communicating with a second application interface; and a translation system that translates between the first application interface and the second application interface, wherein the account issuer is one of a plurality of

account issuers that are part of a branded association that accept each others stored benefit

account transactions (see abstract, pages 1-3, figures 5-11).

Specifically as to claim 14, wherein the payor pays for the stored benefit account (see above

rejection for claim 13, in addition, see page 6).

Specifically as to claim 15, wherein the credit processing system includes a main frame running

a main frame

language account (see above rejection for claim 13, in addition, see figures 5-6).

Specifically as to claim 16, a card is issued to the payee, and the card facilitates payments from

the stored benefit account (see above rejection for claim 13, in addition, see figure 8).

Specifically as to claim 17, wherein the first application interface uses XML account (see above

rejection for claim 13, in addition, see page 6, and page 2).

Specifically as to claim 18, the stored benefit account corresponds to a benefit table for use by

the network account (see above rejection for claim 13, in addition, see figures 5-6, 8).

Specifically as to claim 19, wherein the stored benefit account corresponds to an amount of

money usable with the network account (see above rejection for claim 13, in addition, see page

6).

Specifically as to claim 20, wherein the translation system is integral with one of the credit

processing system and the web-accessible platform account (see above rejection for claim 13, in

addition, see page 2, 6).

Specifically as to claim 21, wherein the web interface is hosted remote from the web-accessible

platform account (see above rejection for claim 13, in addition, see figure 5a).

Specifically as to claim 22, wherein the web-accessible platform does not store information that

would allow a hacker, who compromised information stored on the web-accessible platform, to

use the stored benefit account (see above rejection for claim 13, in addition, see figure 7).

Specifically as to claim 23, wherein the open loop stored benefit products are based upon a credit

card platform of the credit processing system account (see above rejection for claim 13, in

addition, see figures 9a-11b).

Specifically as to claim 24, Neofytides et al. disclose a payment system for open loop stored

benefit products, the payment system comprising: a web-accessible platform available to a payor

for purchase of a stored benefit account for use by a payee, wherein: the web-accessible platform

does not store information that would allow a hacker, who compromised information stored on

the web-accessible platform, to use the stored benefit account, the web-accessible platform

communicates with a first application interface, the payor pays for the stored benefit account, the

stored benefit account corresponds to an amount of money usable with a network, the stored

benefit account is backed by an account issuer, and the stored benefit account is accepted by the

network of unrelated merchants who accept payments from the account issuer; a web interface

that allows the payor or the payee to interact with the web- accessible platform; a credit

processing system communicating with a second application interface; and a translation system

that translates between the first application interface and the second application interface,

wherein: the open loop stored benefit products are based upon a credit card platform of the credit

processing system, the account issuer is one of a plurality of account issuers that are part of a

branded association that accept each others stored benefit account transactions, a card is issued to

the payee, and the card facilitates payments from the stored benefit account (see abstract, pages

1-3, figures 5-11, page 7 and 4).

Examiner's Note

Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horn et al. disclose a global electronic commerce system. Juneau et al. disclose an online reactivation of an account or service. Russell et al. disclose systems for secure transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLY CAMPEN whose telephone number is (571)272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kelly Campen/
Examiner, Art Unit 3691